

ORIGINAL

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FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

MAR 24 2006

at 10 o'clock and 20 min. AM
 SUE BEITIA, CLERK

Attorneys for the Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 04-00107-001 SOM
)	
Plaintiff,	)	CLERK'S NOTICE OF POST-
	)	JUDGMENT GARNISHMENT AND
v.	)	INSTRUCTIONS TO DEFENDANT-
	)	JUDGMENT DEBTOR; REQUEST FOR
PAMATA TURNER,	)	HEARING FORM; NOTICE TO
	)	DEFENDANT-JUDGMENT DEBTOR
Defendant.	)	ON HOW TO CLAIM EXEMPTIONS;
	)	CLAIM FOR EXEMPTION FORM
<hr/>)	
WAL-MART STORES, INC.,)	
)	
Garnishee.)	
)	

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT
 AND INSTRUCTIONS TO DEFENDANT-JUDGMENT DEBTOR

You are hereby notified that certain properties, to wit: monies from your earnings are being taken by the United States which has a Court judgment in a criminal case in Cr. No. 04-00107-001 SOM in the United States District Court, District of Hawaii, in the amount of \$900.00 for a special assessment, and \$9,446.35 for restitution. A balance of \$10,544.83 remains outstanding as of March 14, 2006.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the United States if you, PAMATA TURNER, can show that the exemptions apply. The attached "NOTICE TO DEFENDANT ON HOW TO CLAIM EXEMPTIONS" and "CLAIM FOR EXEMPTION FORM" summarize the major exemptions.

You have a right to ask the Court to return your property to you if you think the property the United States is taking qualifies under one of the above exemptions or if you think you do not owe the money to the United States that it says you do.

If you want a hearing, you must notify the Court within 20 days after you receive the notice. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court, Room C-338, United States Courthouse, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

If you wish, you may use the "REQUEST FOR HEARING FORM" and the "CLAIM FOR EXEMPTION FORM" to request the hearing by following the instructions contained in the "NOTICE TO DEFENDANT ON HOW TO CLAIM EXEMPTIONS." You must either mail it or deliver it in person to the Clerk of the United States District Court. You must also send a copy of your request to the United States Attorney, Attn: EDRIC CHING, Assistant United States Attorney, Financial Litigation Unit, Room 6-100, PJKK Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850, so the Government will know you want a hearing. The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you believe the property the United States has taken is exempt or why you think you do not owe the money to the United States, however, please note that the issues at the hearing will be limited:

(1) To the probable validity of any claim of exemption; (2) To compliance with any statutory requirements for the issuance of the Writ of Continuing Garnishment; and (3) If the judgment is by default and only to the extent that the Constitution or another law of the United States provides a right to a hearing on the issue, to: (a) The probable validity of the claim for the debt which is merged in the judgment; and (b) The existence of good cause for setting aside such judgment.

You may also request a hearing if you file a written objection within twenty (20) days from the date of the receipt of the Answer of the Garnishee. Any objection that you file to

contest the Answer of the Garnishee must be filed with the Clerk of the United States District Court. The objection must state your reasons for believing that the funds or property are not subject to garnishment by the United States. The burden is on you to prove the grounds in support of your objection. A copy of the objection or other pleadings must also be served on the United States Attorney, Attn: EDRIC CHING, Assistant United States Attorney, Financial Litigation Unit, and the WAL-MART STORES, INC. The Court will hold a hearing within ten (10) days after the date your objection is received by the Court, or as soon thereafter as is practicable. The Court will notify you of the date, time, and place of the hearing.

If you think you live outside the Federal judicial district in which the Court is located, you may request, not later than 20 days after you receive the notice, that the proceeding to take your property be transferred by the Court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the United States District Court. You must also send a copy of your request to the United States Attorney, Attn: EDRIC CHING, Assistant United States Attorney, Financial Litigation Unit, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of the notice for your own records. If you have any questions about your rights or about the procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

DATED: MAR 24 2006, at Honolulu, Hawaii.

SUE BEITIA
United States District Court
District of Hawaii

By Suelein Johnson
Deputy Clerk

Your Name: _____

Address: _____

Phone: _____

Defendant-Debtor: _____

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 04-00107-001 SOM
)	
Plaintiff,	)	REQUEST FOR HEARING FORM
)	
v.)	
)	
PAMATA TURNER,)	
)	
)	
Defendant.)	
)	
)	
WAL-MART STORES, INC.,)	
)	
)	
Garnishee.)	
)	

REQUEST FOR HEARING FORM

[] I request that the Court hold a hearing in the matter.

[] I think that the property the Government is taking is exempt. See the attached CLAIM FOR EXEMPTION FORM.

Dated: _____ Signature: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 04-00107-001 SOM
)	
Plaintiff,)	NOTICE TO DEFENDANT-
)	JUDGMENT DEBTOR ON HOW
v.)	TO CLAIM EXEMPTIONS
)	
PAMATA TURNER,)	
)	
)	
Defendant.)	
-----)	
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)	
WAL-MART STORES, INC.,)	
)	
)	
Garnishee.)	
-----)	

NOTICE TO DEFENDANT-JUDGMENT
DEBTOR ON HOW TO CLAIM EXEMPTIONS

The attached post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. The Notice lists the major exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the "REQUEST FOR HEARING FORM" and the "CLAIM FOR EXEMPTION FORM" and (ii) deliver or mail the form to the Clerk of the United States District Court, Room C-338, United States Courthouse, 300 Ala Moana Blvd., Honolulu, Hawaii 96850 and the United States Attorney, Attn.: EDERIC CHING, Assistant United States Attorney, Financial Litigation Unit, Room 6-100, PJKK Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.

Your wages are absolutely exempt from pre-judgment garnishment, attachment, receivership or sequestration. You do not need to file a claim for exemption to receive the exemption, but if you believe your earnings are being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in the matter.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 04-00107-001 SOM
)	
Plaintiff,	)	CLAIM FOR EXEMPTION FORM
)	
v.)	
)	
PAMATA TURNER,)	
)	
)	
Defendant.)	
)	
)	
WAL-MART STORES, INC.,)	
)	
)	
Garnishee.)	
)	

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are checked below apply in the case:

- _____ 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of her family.
(26 U.S.C. § 6334(a)(1))
- _____ 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed \$6,250 in value.
(26 U.S.C. § 6334(a)(2))
- _____ 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$3,125 in value.
(26 U.S.C. § 6334(a)(3))

4. Unemployment benefits.--Any amount payable to a debtor with respect to her unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
(26 U.S.C. § 6334(a)(4))

5. Undelivered mail.--Mail, addressed to a debtor, which has not been delivered to the debtor.
(26 U.S.C. § 6334(a)(5))

6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a debtor whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. § 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
(26 U.S.C. § 6334(a)(6))

7. Workmen's Compensation.--Any amount payable to a debtor with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or of the Commonwealth of Puerto Rico.
(26 U.S.C. § 6334(a)(7))

8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of her minor children, so much of her salary, wages, or other income as is necessary to comply with such judgment.
(26 U.S.C. § 6334(a)(8))

9. Certain service-connected disability payments.--Any amount payable to a debtor as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.
(26 U.S.C. § 6334(10))

10. Assistance under Job Training Partnership Act.
Any amount payable to a debtor under the Job Training
Partnership Act (29 U.S.C. § 1501 et seq.) from funds
appropriated pursuant to such Act.
(26 U.S.C. § 6334(12))

11. Minimum exemptions for wages, salary and other
income.--The exemptions under 26 U.S.C. § 6334(a)(9) do
not apply in criminal cases. The exceptions under the
Consumer Credit Protection Act, 15 U.S.C. § 1673, for
disposable earnings, automatically apply and do not
need to be claimed. The aggregate disposable earnings
of an individual for any workweek which is subjected to
garnishment may not exceed (1) 25 percent of her
disposable earnings for that week, or (2) the amount by
which her disposable earnings for that week exceed
thirty times the Federal minimum hourly wage in effect
at the time the earnings are payable, whichever is
less.

The statements made in the claim of exemptions and
request for hearing are listed at fair market value of the
property designated and I declare under penalty of perjury that
they are true and correct.

Signature of Defendant

Defendant's printed or typed name

Date